
Minutes
Regular Meeting
May 14, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Kress Staheli, Ronald Truman, Jeff Turek, City Manager Roger Carter, City Attorney Jeff Starkey, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, Zoning Technician Kathy Spring, Public Works Director Mike Shaw, Police Chief Jim Keith, Administrative Services Manager Kimberly Ruesch, Audience: Greg Sant, Tom Evans, Sam Haslem, Doug Dennett, Karen Killian Dell Killian, Kacey Jones, Mark Udy, Hike Heaps, Robert Bezak, Nancy Bezak, Julie Hullinger, Jon Johnson, Margaret Stephens, Glenn Stephens, Bruce Nell, Karen Nell, Laura Christensen, Charlie Christensen

Meeting commenced at 6:00 P.M.

Invocation: Councilman Truman

Pledge of Allegiance: Councilman Turek

Excused: Councilman Thad Seegmiller

1. APPROVAL OF THE AGENDA

Councilman Truman made a motion to approve the agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

None

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. CONSENT AGENDA

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 04/18/2014, 04/22/2014 and 04/23/2014.

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for April

Councilman Turek made a motion to approve the consent agenda. Councilman Staheli seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. AGREEMENTS

A. Consideration to approve the renewal of a Ground Lease Agreement with InSite Wireless Group, LLC. Janet Singh, InSite Senior Lease Analyst

City Manager Roger Carter stated the renewal has been reviewed, and Staff would like to recommend approval to Council.

Councilman Truman asked if there have been any price adjustments on the renewal.

City Manager Carter stated there have been price adjustments. They have been calculated, and add up appropriately.

Councilman Truman made a motion to approve the renewal of a Ground Lease Agreement with InSite Wireless Group, LLC. Councilman Turek seconded the motion; which passed with the following role call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. FINAL PLAT

A. Consideration to approve the Final Plat for Rusted Hills Phase 2 subdivision, located south of Majestic Drive and east of Camino Real. Applicant: Doug Dennett, Dennett Construction

Zoning Technician Kathy Spring reviewed:

The applicant is requesting approval of a Final Plat for the Rusted Hills, Phase 2 subdivision, located approximately south of Majestic Drive and east of Camino Real. This particular subdivision is proposing 13 lots on an area covering 6.57 acres. The specific location of this subdivision is zoned Single-Family Residential - 15,000 square foot min. (R-1-15). The

Preliminary Plat was approved October 9, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final Plat for the Rusted Hills, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings:

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions:

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. A Post Construction Maintenance Agreement to be recorded prior to the recording of the final plat.

Councilman Staheli asked if the temporary turn-around would be graded.

Councilman Turek explained he recalled from the preliminary plat, the temporary turn-around was for fire access until the next phase.

Councilman Staheli made a motion to approve the Final Plat for Rusted Hills Phase 2 subdivision, located south of Majestic Drive and east of Camino Real with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. CEMETERY PLAT

- A. Consideration to approve a plat for the recording of the Cemetery Expansion**

No. 3. Danice Bulloch, City Recorder

City Recorder Danice Bulloch reviewed:

In 2008 the first expansion of our cemetery occurred creating 475 new plots. In December, 2012 our second expansion added 85 more plots. As of today (5/9/14 we only have 6 single plots). The recording of Cemetery Expansion No. 3 will create 727 new plots. Construction is under way and should be completed for use the first part of June. With the design and layout of Expansion No.3 we will be able to expand to the north continuing with the design and numbering as needed for some time. The proposed plat has been reviewed by the Washington County Recorder's Office and Staff. Any and all changes have been completed and are reflected on the plat.

Staff has discussed the possibility of conflict with parking should there be a soccer game and graveside services. Staff has discussed and agreed to procedures and scheduling to reserve parking with little or no interference between games and graveside services.

Staff recommends approval as the expansion will create 727 much needed plots for our citizens.

Councilman Truman made a motion to approve a plat for the recording of the Cemetery Expansion No. 3. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8 SUBDIVISION VACATION

A. Consideration to approve an Ordinance Vacating the Washington City Green Spring Minor. Drew Ellerman, Community Development Director

Zoning Technician Kathy Spring reviewed:

The applicant is requesting approval of a Vacation of the Final Plat for the Washington City Green Spring Minor subdivision, located at approximately 2000 North Green Spring Drive. Recently, the final plat for the Washington Vista at Green Springs Phase 4 subdivision was approved by the Planning Commission and City Council. When the developer went to record the plat, the county found that an existing subdivision was already platted in its place. The subdivision was created by the City when it sold an area of land to Matt Lowe some 7 seven years ago, which is the Washington City Green Spring Minor subdivision.

With that said, it is necessary for the city to have the older plat vacated so that the Washington Vista at Green Springs project can be recorded in place for the lots to be sold. Staff is therefore recommending that the old Washington City Green Spring Minor subdivision be vacated as soon as possible.

The Planning Commission unanimously recommended approval of the Vacation of Washington City Green Spring Minor subdivision to the City Council based on the following findings:

Findings:

1. The vacated final plat is necessary for the recording of a new project within the city.
2. The vacated final plat is in conformance with the Subdivision Ordinance as outlined.

Councilman Truman asked if the property owner Matt Lowe is in agreement with the vacation.

Zoning Technician Kathy Spring explained Mr. Lowe is the owner of Washington Vista and cannot record without the vacation taking place.

Councilman Truman made a motion to approve an Ordinance Vacating the Washington City Green Spring Minor. Councilman Staheli seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

9. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for the consideration to approve a Zone Change application Z-14-03, requesting to change a portion of Lot 36 in the Summerfield Lane subdivision, from PUD (Planned Unit Development) to OS (Open Space) zone, property is located approximately at 338 West 1725 South. Applicant: Greg Sant, Perry Development

Zoning Technician Kathy Spring reviewed:

The applicant is requesting approval to change the zoning of approximately 4.6 acres, located approximately at 338 West 1725 South. The requested change is from the current zoning of Planned Unit Development (PUD) to a proposed Open Space (OS) zoning designation. For the reason(s), that currently such a large portion of this parcel (lot 36 of the Summerfield Lane subdivision) is within the floodplain and really cannot be developed. It can however be used, for example, as a horse property or something similar.

The General Plan Land Use Designation for this location is Open Space (OS) and is surrounded to the north and west by Open Space (OS), with Estate Residential (EST) to the south, and Open Space (OS) and Low Density Residential (LD) to the east. The surrounding zoning to this parcel is Planned Unit Development to the east, Residential Agricultural - 2 Ac. min. (RA-2) to the south and west, and Open Space (OS) to the north.

Staff has reviewed the requested zone change and finds it to conform to the General Plan, the Zoning Regulations, and surrounding development.

The Planning Commission reviewed this request at their April 16, 2014 meeting. A lively public hearing was held with surrounding residents showing up in opposition to the zone change request. They stood before the Planning Commission stating that their CC&R's prohibited horses and the

keeping of large animals, they also stated concerns about flies and smells that would come from allowing such a change and use in the neighborhood. Based on the information from the surrounding property owners, the Planning Commission subsequently voted the request down with a vote of 5-0.

The day following the public hearing with the Planning Commission, staff looked over a copy of the CC&R's referenced in the meeting. Staff found that the CC&R's do not specifically state that horses are not allowed, the CC&R's only say "no lot shall be used except for residential purposes" in the Summerfield Lane development. And, this particular deed restriction is found under the heading of "Quality of Construction of the Project and Rules Relating to Such Construction". After reading the CC&R's from front to back, staff felt as though the Planning Commission was misled. Also, horse properties currently adjoin this parcel requesting the zone change on both the south and west lot #36's boundaries, with existing flies and existing horse smells. Staff still feels this is still a justified request due to the size and location of parcel #36 of the Summerfield Lane subdivision.

The Planning Commission unanimously recommended denial of Z-14-03, for the zone change request from Planned Unit Development (PUD) to Open Space (OS), to the City Council, for the reasons; "based on the original intent and design of the Summerfield Lane Estates and access".

The staff recommendation of approval to the Planning Commission carried the following: "based on the following findings".

Findings:

1. The requested zoning conforms to the intent of the land use designation of the General Plan.
2. The requested zoning will be compatible with surrounding developments.
3. The utilities necessary for this type of development will be readily accessible to the site.

Councilman Staheli asked if the property was part of the open space requirements needed to meet the PUD requirements.

Zoning Technician Kathy Spring stated it is her understanding there were no credits given. It is only a larger lot because of the flood plain.

Councilman Turek also explained the parcel is platted lot, which means it would not be considered open space.

Public Works Director Mike Shaw agreed it is a lot and was not designated as open space.

Zoning Technician Spring explained the property adjacent to this particular lot is horse property. All of phase 1 in the Pine View Estates Subdivision is allowed to have horses, which indicates the request would be similar to the surrounding zonings. The floodplain is a major issue with the lot, it would be good to get clarification from the developer.

Greg Sant stated the original intent of the property was to have future development. He had hoped to tie into the Adamson's property with an access. As the project was being developed, we had the

flood of 2005, which led the floodplain to being extended. In turn, it made the property not viable for development. Therefore, they are requesting the Open Space Zone because it is similar to the adjacent properties, who already have horses.

Councilman Turek asked if the intent is to board horses.

Mr. Sant stated the intent is to sell Lot 36 with the owner having the ability to have horses on their property. They would like to give the buyer of Lot 36 the ability to use the property.

Councilman Truman clarified there is nothing precluding the sell of Lot 36, but rather to make the sell more feasible.

Mr. Sant confirmed he was correct. They have had several calls inquiring on the lot. However, with 4.5 acres of property, and only being able to use a very small portion of the lot, it is not a feasible purchase, and would become a nuisance with the potential of tamarisk, and no use for the property.

Councilman Staheli stated he is having a difficult time understanding where the lot was located.

Mr. Sant reviewed the lot with Council members on an aerial view.

Councilman Turek asked if there are currently horses in the Adamson Property.

Mr. Sant stated they do have horses.

Councilman Staheli asked what the road was to the north of these lots.

Public Works Director Shaw explained it is a maintenance road for access to the river.

Tigran Khachaturyan stated he is the president of Summerfield Lane HOA. People have pools in their subdivision, and having horses in this neighborhood would create smell and fly issues. He feels if this is approved, it would prevent him from being able to enjoy his back yard. He would like the residents opinion taken in consideration as it is close to residential back yard.

Dan Johnson stated he is a resident of Summerfield Lane. He reviewed an additional map with Council of the lot. One of the primary concerns he has discussed with his neighbors is there is not an additional access to this property. If the use is granted, the horses would have to travel through their residential neighborhood. When he purchased his lot, he knew there were horses in the Pine View Estates area. However, he purchased his home in a Planned Unit Development, which was supposed to be residential. The property does not have any irrigation water, which means all water used would have to be culinary.

Councilman Truman stated as he understands Lot 35 and 36 are going to be built upon, which means there will be ingress and egress regardless.

Mr. Johnson stated they understand there will be travel for homeowners, but they do not want to have horses or trailers traveling the road.

Karen Killian stated she lives in a home on lot 38. They moved in approximately 3 years ago. Summerfield Lane was very appealing and beautiful. About a year ago the Adamson's built a large barn, and they could not do anything about it. They now have flies around their home, as well as smells. They are concerned if there is more horse property behind their property, it will be even worse.

Dell Killian stated in the Planning Commission they recommended this should not be approved because of original intent. The property was zoned PUD, and the property owner should not now change the designation of the one lot.

Councilman Truman stated in the previous meeting it was stated the CC & R's precluded horses. However, as staff has researched, this is not the case. Does he understand this to be true.

Mr. Killian stated according to what they have heard from this meeting, it would be the case. The CC & R's do state residential.

Bruce Nell stated from what he just hears tonight anyone in this subdivision can put a horse on there lot. He does not feel this is an appropriate use for residential, and would encroach on his neighbors. It is not fair to sell the property has horse property, and infringe on everyone who lives in this subdivision.

Julie Hullinger stated she manages the Summerfield HOA. This is the last lot in the subdivision. It is not fair for one homeowners to have horse property, just so the developer can make more money on the lot.

Shawn Albrecht stated he is a resident in Summerfield Lane, and he does not want to see a dusty dirt road going out the end of the cul-de-sac. There are many kids playing, and he does not want to see them get hurt.

No further comments were made.

Councilman Truman made a motion to close the Public Hearing. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an Ordinance adopting Zone Change request Z-14-03, to change present zone from PUD to OS.

Councilman Truman stated his concern is pretty specific. It is fundamentally unfair for individuals to purchase a home in a PUD, and then at a later date have the circumstances changed.

Councilman Staheli stated he would concur with Councilman Truman. However, the best use of

this land would be an Open Space designation. He does feel if the request would have been better for the use at the time of the PUD. He does have a problem with the request coming in after the fact.

Mr. Sant reviewed the Open Space Zone with the Council. He does understand what the residents are saying about trailers. However, most of the residents in the neighborhood have boats or trailers, which are already larger than a horse trailer. The other concern about the road, there is a 50 inch line from the Water Conservancy District, which may give them access to the water. As far as the smells, the harm has already been done with the adjacent properties.

Councilman Staheli stated without the support of the neighbors, he would not support a change to the zone. They bought into the subdivision as a PUD, and they do not support the change.

Councilman Truman stated it is not fair to those who paid money to be part of a PUD.

Mr. Sant stated they are looking at the best use of the property, and he feels this would be the best.

Councilman Staheli stated he would agree, an open space designation would be the best use of the property.

Councilman Truman made a motion to deny an Ordinance adopting Zone Change request Z-14-03, to change present zone from PUD to OS. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

10. TENTATIVE BUDGET

A. Consideration to approve a Resolution accepting the 2014/2015 Fiscal Year Tentative Budget for Washington City and setting the date for a Public Hearing to consider adoption of the Final Budget. Roger Carter, City Manager

City Manager Roger Carter reviewed the Tentative Budget as well as the approval timeline for Washington City regarding the 2014/2015 Fiscal Year.

Councilman Truman asked if there would be a summary available for residents to review.

City Manager Carter stated there is a summary available, and we encourage the citizens to visit with staff on any questions they may have.

Councilman Truman clarified as elected officials if voted to approve, there can still be changes made prior to the final approval.

City Manager Carter confirmed he was correct. If approved it will release the tentative budget to

the public for review, and a final budget would come before Council at a later time for approval.

Councilman Staheli asked about the 25% fund balance.

Administrative Services Manager explained the fund balance with Council, which will have an excess of approximately \$500,000 to be directed to Capital Projects to be designated by Council.

Councilman Staheli stated he would also like additional information on SunTran.

City Manager Carter stated there are Capital Funds to be allocated, which the Council can determine the use. These discussions will take place the first of June.

Councilman Staheli made a motion to approve a Resolution accepting the 2014/2015 Fiscal Year Tentative Budget for Washington City and setting the date for a Public Hearing for May 28, 2014 to consider adoption of the Final Budget on June 11, 2014. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

11. CAPITAL PROJECTS

A. Consideration to approve the 5 year Capital Projects of Washington City. Kimberly Ruesch, Administratives Services Manager

City Manager Roger Carter explained this is not an action item, but rather follow the same pattern of the budget. This will be an agenda item on May 28, 2014 for review, and will be adopted on June 11, 2014.

Administrative Services Manager Kimberly Ruesch stated these are reviewed each year, but typically we adopt them at the same time as the final budget. This is a 5 year plan, but can be changed as necessary. However, the Capital Projects item does not require a public hear.

12. FINANCIAL REPORT

A. Update and review of the 3rd Quarterly Financial Report. Kimberly Ruesch, Administratives Services Manager

Administrative Services Manager Kimberly Ruesch reviewed the Quarterly Financial Report with the Council.

13. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

Councilman Turek stated there are some flood control structures, which may be in our City in the future. He attended a meeting with the Flood Control Authority regarding the assessment of those

structures. He will have a report at the next meeting with the results.

Mayor Neilson reminded the Council of the Youth Council Commencement Ceremony on May 20, 2014.

14. CITY MANAGER REPORT

City Manager Roger Carter updated Council on the slurry project. There have been a couple of areas we have rejected, but the company is working to resolve those areas. The traffic signal at 2000 South and Washington Fields Road is going into design, and we anticipate placement in the Fall. He attended a meeting with Dana Meyer from UDOT, regarding through turns on Buena Vista as well as the intersection at Telegraph and Green Springs. There have been discussions about a new interchange at Main Street, and some very tentative designs, which he will be sharing with Council. Based on potential configurations, there could be some complications with the land owned by Washington City. The cemetery expansion is moving forward quickly, and it looks as though we will also have the funds for the column barium. Leisure Services is also very excited about the Virgin River Trail, which is moving forward, and will be one of the most scenic parts of our trail system. Anticipated completion will be late July. The Power Generation building is very close to completion. Once the Power Department is prepared to move in, there will be a transition period to move the power yard, at which point we will then be moving the Parks Yard to the 300 East location. Lastly, he is planning to schedule some time on a work session meeting in June with regard to SunTrans.

15. ADJOURNMENT


Councilman Truman made a motion to adjourn the meeting. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Meeting adjourned at 7:31 P.M.

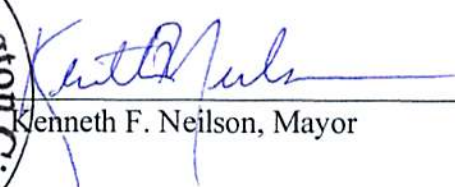
Passed and approved this 28th day of May 2014.

Attest by:


Danice B. Bulloch, CMC
City Recorder



Washington City


Kenneth F. Neilson, Mayor

